

# CPNI Compliance Manual and Operating Procedures: LP Broadband Inc

---

## Contents

I. DEFINITIONS .....	2
II. STATEMENT OF CORPORATE POLICY .....	3
III. USE OF CPNI IN GENERAL .....	4
IV. Guidelines for Use of CPNI .....	4
V. Obtaining Customer Approval for Use of CPNI .....	5
VI. Notices Required for Use of CPNI .....	6
VII. Company Safeguards and Recordkeeping Requirements. ....	9
APPENDIX 1 .....	12
CERTIFICATE OF COMPLIANCE WITH PROTECTION OF CUSTOMER PROPRIETARY NETWORK	
APPENDIX 2 .....	13
Employee Verification.....	13
APPENDIX 3 .....	14
SAMPLE OPT-OUT NOTICE .....	14

## **I. DEFINITIONS:**

**Affiliate:** A person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. The term “own” means to own an equity interest (or the equivalent thereof) of more than 10 percent.

**Carrier:** See Telecommunications Carrier.

**CMRS:** Commercial Mobile Radio Service.

**Communications-Related Services:** Telecommunications services, information services typically provided by telecommunications carriers, and services related to the provision or maintenance of customer premises equipment.

**Company:** JAB, LP Broadband Inc

**Customer:** A person or entity to which a telecommunications carrier is currently providing service.

**Customer Proprietary Network Information (CPNI):** Information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and Information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier. CPNI does not include subscriber list information.

**Customer Premises Equipment:** Equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications service(s).

**FCC:** Federal Communications Commission or any legal successor federal agency.

**Information Service:** The offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service. Information Services Typically Provided by Telecommunications Carriers: Information services that telecommunications carriers typically provide, such as Internet access or voice mail services. The term does not include retail consumer services provided using Internet websites (such as travel reservation services or mortgage lending services), whether or not such services might otherwise be considered to be information services.

**Local Exchange Carrier:** Any person engaged in the provision of telephone exchange service or exchange access. Such term does not include a person insofar as such person is engaged in the provision of a commercial mobile service (except to the extent that the FCC determines that such service should be included in the definition of the term).

**Opt-In Approval:** A method for obtaining customer consent to use, disclose, or permit access to the customer's CPNI. This approval method requires that the carrier obtain the customer's affirmative, express consent allowing the requested CPNI usage, disclosure, or access after the customer is provided appropriate notification of the carrier's request.

**Opt-Out Approval:** A method for obtaining customer consent to use, disclose, or permit access to the customer's CPNI. Under this approval method, a customer is deemed to have consented to the use, disclosure, or access to the customer's CPNI if the customer has failed to object thereto within the prescribed waiting period, after the customer is provided appropriate notification of the carrier's request for consent.

**Subscriber List Information:** Any information (1) identifying the listed names of a carrier's subscribers and the subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned at the time of the establishment of such service), or any combination of such listed names, numbers, addresses, or classifications; and (2) that the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.

**Telecommunications Carrier:** Any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (as defined in 47 USC 226).

**Telecommunications Service:** The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

## **II. STATEMENT OF CORPORATE POLICY:**

The policy of LP Broadband Inc is to comply with the laws of the United States, including those pertaining to CPNI contained in § 222 of the Telecommunications Act of 1996, as amended, 47 USC 222, and the FCC's regulations, 47 CFR 64.2001-.2009. The Company's policy is to rely on individual operating company management to ensure that no use of CPNI is made until a full review of applicable law has occurred.

The FCC's regulations, 47 CFR 64.2009, require the Company to implement a system to clearly establish the status of a customer's CPNI approval prior to the use of CPNI, and to train its personnel as to when they are and are not authorized to use CPNI, and to have an appropriate disciplinary process in place to address any deviation of said policy. This Manual constitutes the Company's policies and procedures related to CPNI.

All company employees are required to follow the policies and procedures specified in this Manual and compliance herewith shall be the responsibility of the highest ranking manager or officer of the operating company.

Any questions regarding compliance with applicable law and this Manual are to be referred to the Chief Executive Officer of Jab Broadband.

Any violation or breach of, or departure from, the policies and procedures in this Manual, whether intentional or intentional, shall be reported immediately to the Chief Executive Officer of Jab Broadband.

### **III. USE OF CPNI IN GENERAL:**

Except as otherwise described in this Manual, when the Company receives or obtains any CPNI by virtue of its provision of a telecommunications service, it can only use, disclose, or permit access to individually identifiable Information (CPNI) in its provision of:

1. The telecommunications service from which the information is derived; or
2. Services necessary to provide or used in the provision of the telecommunications service, including the publishing of directories and establishment of emergency location records.

### **IV. Guidelines for Use of CPNI:**

A. The Company may not use, disclose, or permit access to CPNI to market service offerings to any customer's that are within a category of service to which the customer does not already subscribe from the Company, unless the Company has customer approval to do so (except that no customer approval is necessary in the situations described in IV.D.).

B. The Company cannot use, disclose or permit access to CPNI to identify or track customers that call competing service providers. Thus, the Company may not use local service CPNI to track any customers that may call its local service competitors.

C. The Company may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service (i.e., local, interexchange, and CMRS) to which the customer already subscribes to any service offered by the Company without customer approval.

1. If the Company provides different categories of service and a customer subscribes to more than one category of service offered by the Company, the Company may share CPNI among its affiliated entities that provide a service offering to the customer, without customer approval.

2. If the Company provides different categories of service, but a customer does not subscribe to more than one offering offered by the carrier, the carrier is not permitted to share CPNI with its affiliates, except with the customer's approval as outlined in V., below.

D. The Company may use, disclose, or permit access to CPNI, without customer approval, as outlined below:

1. To provide inside wiring installation, maintenance, and repair services.
2. To market services formerly known as adjunct-to-basic services, such as, but not limited to speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and/or Centrex features.
4. For the provision of customer premises equipment and call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversion.
5. To protect the rights or property of the carrier, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to such services.
6. Initiate, render, bill and collect for telecommunications services.
7. Provide call location information concerning the user of a mobile service in emergency situations.

## **V. Obtaining Customer Approval for Use of CPNI:**

A. Soliciting Customer Approval: I The Company may obtain approval through written, oral or electronic methods.

1. If the Company relies on oral approval, it bears the burden of demonstrating that such approval has been given in compliance with the FCC's regulations. Thus, only in extreme circumstances will the company or any company representative accept and rely upon "oral approval".
2. A customer's approval or disapproval to use, disclose, or permit access to CPNI must remain in effect until the customer revokes or limits or expressly changes any such approval or disapproval.
3. The Company must maintain records of approval, whether oral, written or electronic, for at least one (1) year.

B. Use of Opt-Out and Opt-In Approval Processes

1. The Company may utilize the opt-out or opt-in method to obtain approval to use its Customer's Individually Identifiable Information (CPNI) for the purpose of marketing communications-related services to that customer.
2. The Company may also utilize the opt-out or opt-in method to obtain approval to disclose its Customer's Individually Identifiable Information (CPNI), for the purpose of marketing communications-related services to that customer, to its agents, to its affiliates that provide communications-related services, and to its joint venture partners and independent contractors.
3. If the Company discloses or provides access to CPNI to a joint venture partner or independent contractor, in addition to obtaining customer approval, it must also enter into appropriate confidentiality agreements with such contractors or partners. The confidentiality agreement must, at a minimum:
  - i. Require that the independent contractor or joint venture partner use the CPNI only for the purpose of marketing or providing the communications-related services for which the Company has provided the CPNI;
  - ii. Disallow the independent contractor or joint venture partner from using, allowing access to or disclosing the CPNI to any other party, unless required to make such disclosure under force of law.
  - iii. Require that the independent contractor or joint venture partner have appropriate safeguards in place to ensure the ongoing confidentiality of consumers' CPNI.

## **VI. Notices Required for Use of CPNI:**

### **A. Mandatory Notices Regarding Solicitation**

1. Prior to soliciting any customer approval to use, disclose, or permit access to customers' CPNI, the Company must notify the customer of the customer's right to restrict or prevent use of, disclosure of, and access to, the customer's CPNI.
2. The Company must maintain records of the notification, whether oral, written or electronic, for at least one (1) year.
3. Content of Notice: Customer notification must provide sufficient information to enable the customer to make an informed decision whether or not to permit a carrier to use, disclose, or permit access to the customer's CPNI. The notification must:
  - i. Clearly state that the customer has a right and the Company has an obligation under federal law to protect the confidentiality of CPNI.

ii. Specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used and inform the customer of the right to disapprove those uses, and deny or withdraw access to CPNI at any time.

iii. Advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes. However, the Company may provide a brief statement in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.

iv. Be comprehensible and not misleading

v. State that any approval or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from that carrier is valid until the customer affirmatively revokes or limits such approval or denial.

4. If written notification is provided, the notice must be clear and use sufficiently large type, and be placed in an area so as to be readily apparent to a customer.

5. If any portion of a notification is translated into another language, then all portions of the notification must also be translated into that same language.

6. The Company may state in the notification that the customer's approval to use CPNI may enhance the carrier's ability to offer products and services tailored to the customer's needs. The Company also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.

7. A carrier may not include in the notification any statement attempting to encourage a customer to freeze third-party access to CPNI.

8. The Company's solicitation for approval must be proximate to the notification of a customer's CPNI rights.

B. Opt-Out Notice Requirements: The Company must provide notification to obtain opt-out approval through electronic or written methods, but not by oral communication (except for one-time use of CPNI, as discussed in VI.E., below). The contents of any such notification must comply with the requirements of VI.A.3., herein.

1. The Company must wait for a minimum of 30-days after giving customers notice and give customers ample opportunity to opt-out, before assuming customer approval to use, disclose, or permit access to CPNI. The Company must notify customers of the specified waiting period for a response before approval is assumed.

i. In the case of an electronic form of notification, the waiting period begins from the date on which the notification was sent to customer(s).

ii. In the case of notification by mail, the waiting period begins on the third day following the date that the notification was mailed.

2. If the Company uses the opt-out mechanism, it shall provide notices to its customers every two years.

3. Use of E-mail: If the Company uses e-mail to provide opt-out notices, it must comply with the following requirements:

i. The Company must have express, verifiable prior approval from consumers to send notices via e-mail regarding their service in general, or CPNI in particular;

ii. Customers must be able to reply directly to e-mails containing CPNI notices if they choose to opt-out.

iii. Opt-out e-mail notices that are returned to the Company as undeliverable must be sent to the customer in another form before the Company may consider the customer to have received notice.

iv. The subject line of the e-mail must clearly and accurately identify the subject matter of the e-mail.

v. The Company must make available to every customer a method to opt-out that does not result in any additional cost to the customer and that is available 24 hours a day, seven days a week. The Company may satisfy this requirement through a combination of methods, provided that all customers have the ability to opt-out at no cost and are able to effectuate that choice whenever they may choose.

D. Opt-In Notice Requirements. The Company may provide notification to obtain opt-in approval through oral, written, or electronic methods. The contents of any such notification must comply with the requirements described in VI.A.3. herein

E. Notice Requirements Specific to One-Time Use of CPNI

1. The Company may use oral notice to obtain limited, onetime use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether carriers use opt-out or opt-in approval, based on the nature of the customer contact.

2. The contents of any such notification must comply with the requirements of VI.A.3. herein, except that the Company may omit any of the following if deemed to be not relevant to the limited use for which the carrier seeks CPNI:

i. The Company is not required to advise customers if they have opted-out previously and no other action is needed to maintain the opt-out election.



ii. The Company is not required to advise customers that it may share CPNI with its affiliate(s) or third parties and is not required to name those entities, if the limited CPNI usage will not result in use by or disclosure to, an affiliate or third party.

iii. Carriers are not required to disclose the means by which a customer can deny or withdraw future access to CPNI, as long as carriers explain to customers that the scope of the approval the carrier seeks is limited to a one-time use.

iv. Carriers may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, provided that the carrier clearly communicates to the customer that the customer can deny access to his CPNI for the call.

F. Except for use and disclosure of CPNI that is permitted without customer approval as discussed herein and except for the purpose of marketing communications-related services to a customer, the Company may only use, disclose, or permit access to a customer's individually identifiable CPNI subject to opt-in approval.

## **VII. Company Safeguards and Recordkeeping Requirements:**

### **A. Management Safeguards**

1. Training of all Company personnel shall include a detailed review of this Manual by all new employees and all current employees who have not previously been subjected to a comprehensive review and appropriate training to ensure full familiarization.

2. The Company will provide additional and on-going training on an as needed basis.

3. Company personnel will make no decisions regarding CPNI without first consulting Jim Vaughn or Bill Mahon.

The Company's personnel must obtain supervisory approval from a person listed above regarding any proposed use of CPNI for any purpose whatsoever.

4. In deciding whether the contemplated use of the CPNI is proper, the individual(s) listed in the previous paragraph will consult this manual, applicable FCC regulations or Compliance Guide, and, if necessary, legal counsel.

5. The person(s) listed in VII.A.3. above will personally oversee the use of approval methods and notice requirements for compliance with all legal requirements and individual operating company management personnel shall be responsible for ensuring that such reviews have been completed before using CPNI for any purpose whatsoever.

6. The person(s) listed in VII.A.3. above, in concert with individual company managers, will also be responsible for ensuring that the Company enters into confidentiality agreements, as necessary, with any joint venture partners or independent contractors to whom it discloses or provides access to any CPNI.

7. Any improper use of CPNI will result in disciplinary action in accordance with established Company disciplinary policies. Any improper use of CPNI shall be treated as a serious breach of company policy's, and may result in suspension or termination of employment where appropriate. Any company personnel making any improper use of CPNI will be required to undergo additional training to ensure full compliance.

8. The Company will provide written notice within five (5) business days to the FCC of any instance where the opt-out may have failed to work as intended, to such a degree that consumers' inability to opt-out is deemed to have not worked as intended.

i. The notice will be in written form and will include the Company's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether or not any relevant state commission(s) or body has been notified and whether any such state commission or body it has taken any action, a copy of the notice provided to customers, and all appropriate contact information.

ii. The Company is required to submit the notice even if the Company offers other methods by which consumers may opt-out.

9. On an annual basis, an officer of the Company will sign a compliance certificate in a format suggested by the FCC, stating that the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the FCC's rules.

10. The Company will review these procedures on a continuing basis to ensure compliance with all FCC regulations, and will revise these procedures as needed to reflect any subsequent revisions to the applicable Rules and Regulations addressing CPNI.

## B. Recordkeeping

1. The Company will maintain records of its own sales and marketing campaigns that use CPNI in files clearly identified as such. These records include a description of each campaign, the specific CPNI that was used in the campaign, and the products and services that were offered as a part of the campaign. The Company will maintain these records in its offices for a minimum period of one (1) year.

2. The Company will maintain records of its affiliates' sales and marketing campaigns that use CPNI in files clearly identified as such. Those records shall include a description of each campaign, the specific CPNI that was used in the campaign, and the products

and services that were offered as a part of the campaign. The Company will maintain said records in its offices for a minimum period of one (1) year.

3. The Company will maintain records of all instances where it disclose or provides CPNI to any third party, or where any third party has been allowed access to CPNI, in files clearly identified as such. Those records will include a description of each campaign, the specific CPNI that was used in the campaign, and the products and services that were offered as a part of the campaign. The Company shall maintain those records in its offices for a minimum period of one year.

4. The Company's policy is to maintain records of customer approval for use of CPNI, as well as notices required by the FCC's regulations, for a minimum period of one year. The Company shall maintain records of customer approval and disapproval for use of CPNI in a readily-available location.

5. The Company shall maintain separate files in which it will retain any court orders relative to any CPNI related matter.

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2007

Date filed: 2/27/2008

Name of company covered by this certification: LP Broadband Inc

Form 499 Filer ID: 826253

Name of signatory: Wilson Spence

Title of signatory: CEO

I, Wilson Spence certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules .

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI , and what steps companies are taking to protect CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, *e.g.*, instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

Signed \_\_\_\_\_ Wilson Spence

## LP Broadband Inc

### CPNI OPERATING MANUAL AND GUIDELINES ACKNOWLEDGEMENT

#### APPENDIX 2

##### Employee Verification

Employee Name:

Date:

I have reviewed the Company's Customer Proprietary Network Information Compliance Manual and Operating Procedures and agree to comply with the procedures set forth therein.

---

Employee Signature

Date: \_\_\_\_\_

---

Witness/Company Manager or Supervisor:

## **APPENDIX 3**

### **SAMPLE OPT-OUT NOTICE**

LP Broadband Inc utilizes Customer Proprietary Network Information (CPNI) when providing telecommunications products and services to its customers. CPNI is defined as information relating to the quality, technical configuration, destination and amount of use of telecommunications services, including information that may appear on a customer's bill. Information published in the telephone directory is not CPNI.

Under Federal law, telephone companies have a duty to protect this information. As a customer, you have the right at any time to restrict the use of CPNI for marketing purposes. This is considered an "Opt-Out" approach.

Your approval to use CPNI may enhance the Company's ability to offer products and services tailored to your needs.

The Company proposes to use your CPNI to [Specify: (1) the information that will be used, (2) the specific entities that will receive the CPNI, (3) the purposes for which CPNI will be used].

If you wish to opt-out, you should take the following steps: [list]

Your decision to opt-out will not affect the provision of any services to which you subscribe. The Company does not and will not sell or offer such information to any third party, except as permitted under Federal Communications Commission regulations. Once you opt-out, you will remain on this list until your request otherwise.

If the Company does not receive an opt-out from you prior to the expiration of the 30-day period following the Company's sending of this notice to you, it will assume that you approve of its proposed use of your CPNI.